IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO :20234 of 2006

DATED: 27.9.2006

Between:

K.Yadaiah petitioner

And

The Principal Secretary to the Govt,
Labour, Employment & Training Factories,
(Lab-IV) Department
Secretariat, Hyderabad and others
respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 20234 of 2006

ORAL ORDER:

The present writ petition is filed questioning the action of the first respondent in not referring the dispute to the concerned Tribunal or Labour Court for adjudication in pursuance of the proceedings of the second respondent in letter No.A/625/2000 dated 02.01.2006 in terms of section 12 (4) of the Industrial Disputes Act.

The petitioner herein is employed in the respondent corporation as Driver. Disciplinary proceedings were initiated against him alleging that he has not stopped the vehicle at Mamillagudem stage in spite of signal given by the service conductor. The petitioner has submitted his explanation to the charge sheet and having not satisfied with the same an enquiry was conducted and a report was submitted holding the petitioner guilty of the charges alleged against him. Ultimately, by proceedings dated 20.3.1989 a punishment of reduction of increments by two stages for a period of one year with cumulative effect was imposed on the petitioner. Questioning the said order, the petitioner raised a dispute before the Assistant Commissioner of Labour, Nalgonda-second respondent herein. The conciliation proceedings ended in failure and the Asst.Commissioner of Labour closed the conciliation proceedings and submitted a factual report vide letter dated 2.1.2006 to the first respondent for taking further action. The grievance of the petitioner is that the first respondent having received the factual report, kept quiet for all these days and has not taken any further action in the matter. Hence, the present writ petition.

Learned counsel for petitioner submitted that in terms of section 12 (5) of the I.D. Act, first respondent on receipt of factual report either has to refer the dispute for adjudication to Labour Court/Tribunal or record its reasons for not referring the matter and communicate the same to the concerned parties. It is further submitted that the first respondent having received the factual report dated 2.1.2006, till date has not taken any action.

Heard learned counsel for petitioner, learned Government Pleader for Labour and learned Standing Counsel for respondent corporation.

The first respondent having received the factual report dated 2.1.2006 instead of keeping the matter pending, ought to have taken necessary further action in the matter in terms of section 12 (5) of the I.D. Act. Hence, the writ petition is disposed of directing the first respondent to consider the factual report dated 2.1.2006 and pass appropriate orders in terms of section 12 (5) of the Act within a period of six weeks from the date of receipt of copy of this order. No costs.

_____

N.V.RAMANA,J

DATE: 27.9.2006

TVK

45

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 20234 of 2006

DATED: 27-9-2006